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EXAMINER
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HICKS, MICHAEL J

ART UNIT	PAPER NUMBER
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2165

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/22/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/22/2007.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/672,723	<b>Applicant(s)</b> CRAPP ET AL.	
	<b>Examiner</b> Michael J. Hicks	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 112-157 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 112-157 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

1. Claims 1-111 Canceled.  
Claims 112-157 Pending.

***Response to Arguments***

2. Applicant's arguments, see response filed 11/17/2006, and the interview taking place on 11/9/2006 with respect to the newly filed claims 112-157 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the newly introduced reference of Reips, which shall take the place of the invalidated Murase reference.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 112-113, 115-117, 119-120, 121-125, 127-128, 131-133, 135-138, 139-142, 144-152, 154-155, and 157 rejected under 35 U.S.C. 103(a) as being unpatentable over Knott in view of Reips et al. ("WEXTOR: A Web-based tool for generating and visualizing experimental designs and procedures", Behavior RESEARCH Methods, Instruments and Computers, 2002, 34(2). Pgs 234-240 and referred to hereinafter as Reips).

As per Claim 112, Knott discloses a method for providing data collection from a client at a data collection mechanism (i.e. *"A speech-recognition enabled, interactive voice response system presents an adaptable menu to callers to obtain information over a telephone with speech or touch-tone DTMF inputs."* The preceding text excerpt clearly indicates a data collection mechanism to collect data from a client/caller at a data collection mechanism/ over a telephone.) (Page 1, Paragraph 15), the method comprising: collecting from a client during a communication session a first portion of data using a first data collection mechanism using at least a portion of a first script comprising one or more queries for information to the client (i.e. *"After the greeting, the process proceeds to step 28 where the caller is instructed to "Please identify your task," followed by a pause to allow an opening statement utterance. IVR 10 then lists the menu options and an associated DTMF tone in a predetermined order, such as in the order of frequency of the requests by callers."* The preceding text excerpt clearly indicates that a first script/menu is presented to the caller/client presenting a query for information about the request of the caller/client. The callers/clients response/utterance/tone/a first portion of data is then collected from the caller.) (Page 3, Paragraph 23); associating the client with a second data collection/live agent mechanism based at least in part on an event associated with the client's interaction with the first data collection mechanism (i.e. *"IVR 10 determines the category of the task associated with the caller's request for information and forwards the caller to a menu node associated with the task... If a caller is unable to receive information from the automated responses of IVR 10, then the caller is forwarded to an operator 16 interfaced with IVR 10 for individual handling."* The preceding text excerpt clearly indicates that the caller is forwarded to a second data collection mechanism/menu node associated with the callers/clients response to the first data collection mechanism and also that alternatively, the second data collection mechanism may be a live agent.) (Page 2, Paragraph 17; Page 3, Paragraph 33.); and after

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associating the client with the second data collection mechanism, collecting from the client a second portion of data using a second script, wherein the second script comprises at least one query for information not yet presented to the client by the first script (i.e. *"At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."*

The preceding text excerpt clearly indicates that a second portion of data is collected from the user pertaining to the service that was selected in the previous data collection mechanism. Note that this is done using a second script and comprises at least one query that was not asked in the first script (e.g. requesting the caller/client to identify the specific information requested from about the selected service). (Page 4, Paragraph 37).

Knott fails to disclose populating at least a portion of the second script with at least some of the first portion of data.

Reips discloses populating at least a portion of the second script with at least some of the first portion of data (i.e. Figures 1 and 2 clearly indicate that the first portion of data, collected in the second column of Figure 1, is used to populate, at least in part, the second script (e.g. in the second column of Figure 2).) (Reips, Pages 237, 238).

It would have been obvious to one skilled in the art at the time of applicants invention to modify the teachings of Knott with the teachings of Reips populating at least a portion of the second script with at least some of the first portion of data with the motivation of utilizing a dynamic structure which picks up the user's choices and written text and subsequently structures itself accordingly (Reips, Page 235, Column 2, Paragraph 5).

As per Claims 113 and 137, Knott discloses Knott discloses the first script comprises an interactive voice response script capable of speech recognition (i.e. *"Analysis of opening statements made by callers identifies tasks of callers upon initial contact and relates the tasks to information classifications. The adaptable menu nodes allow callers to navigate quickly to desired information by applying voice recognition to caller inputs responsive to an initial prompt for the caller's task...IVR 10 provides a voice menu that directs callers to input information requests through either a voice response or a touch-tone response."* The preceding text excerpt clearly indicates that the first script may comprise an interactive voice response system with speech/voice recognition.) (Page 1, Paragraph 15; Page 2, Paragraphs 15, 18).

As per Claims 115 and 139, Knott discloses the first script comprises a plurality of queries (i.e. *"At step 52, the caller is requested to input the service of interest and the caller's area code or state. For instance, a script instructs the caller to state a service for which information is available, such as call blocking, caller ID, message center and call forwarding, or to input a DTMF tone of 1 through 4 with each tone associated with a service. The caller is also instructed to input an area code or state since service offerings may vary by calling area. The area code and state information may be input by a caller utterance or by using the phone keypad."* The preceding text excerpt clearly indicates that the first script may comprise a plurality of queries (e.g. identification of service, area code, and/or state.) (Pages 3-4, Paragraph 35).

As per Claims 116 and 140, Knott discloses the first portion of data comprises answers in response to the queries associated with the first script (i.e. *"At step 30, IVR 10 accepts the caller input, determines the menu node selected by the caller input and advances the input to task analyzer 20 for classification of the task requested by the caller."* The preceding text excerpt clearly

indicates that the first portion of data/user response is an answer in response to the queries associated with the first script/menu.) (Page 3, Paragraph 32).

As per Claims 117 and 141, Knott discloses the first portion of data comprises queries and answers associated with the first script (i.e. *"At step 30, IVR 10 accepts the caller input, determines the menu node selected by the caller input and advances the input to task analyzer 20 for classification of the task requested by the caller."*) The preceding text excerpt clearly indicates that the first portion of data/user response is an answer in response to the queries associated with the first script/menu. Note that the task analyzer must also receive the query associated with the first script in order to analyze the response in light of the query.) (Page 3, Paragraph 32).

As per Claims 119, 130, 143, and 156, Knott discloses the second script comprises a second plurality of queries that are substantially similar to a first plurality of queries associated with the first script (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."*) The preceding text excerpt clearly indicates that the second script comprises a plurality of queries (e.g. the options for multiple types of information) which are substantially similar to the first plurality of queries in that they are also menu selections and are based upon the information received in regards to the first plurality of queries.) (Page 4, Paragraph 37).

As per Claims 121 and 145, Knott discloses the second script is based at least in part on a portion of the first script used to collect the first portion of data (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding text excerpt clearly indicates the second script is based at least in part on the first script in that it gives options for types of information available in the same menu-based manner as the first script and based on the answers from the first script.) (Page 4, Paragraph 37).

As per Claims 122 and 146, Knott discloses the second portion of data comprises one or more answers of the client in response to one or more queries of the second data collection mechanism/live agent (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding text excerpt clearly indicates that the second portion of data/user response to the second set of queries comprises answers to one or more queries presented in the second set of queries (e.g. the users menu selection). Note that the disclosure of Knott in regards to claim 136 shows that the second data collection mechanism may be a live agent.) (Page 4, Paragraph 37).

As per Claim 123, note that the subject matter of the queries in the scripts is considered non-functional descriptive material due to the fact that the subject content of



the queries in no way affects the manner in which they are delivered or how the scripts will be populated. As such Claim 123 is given no patentable weight.

As per Claims 124 and 148, Knott discloses the first portion of data and the second portion of data are stored in common memory accessible to the first data collection mechanism and the second data collection mechanism (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding text excerpt clearly indicates that the first and second portions of data are stored in common memory accessible to the first and second data collection mechanisms due to the fact that the second data collection mechanism uses the first portion of data in order to generate the second script and therefor must have access to it.) (Page 4, Paragraph 37).

As per Claims 125 and 149, Knott discloses associating the client and the second portion of data back with the first data collection mechanism to collect a third portion of data using the first script (i.e. *"IVR accepts the caller input, determines the menu node selected by the caller input and advanced the input to the task analyzer for classification of the task requested by the caller...IVR determines the category of the task associated with the callers request for information and forwards the caller to a menu node associated with the task...advances callers to menu node associates with tasks based on either the DTMF tone or utterance input of the user."* The preceding text excerpt clearly indicates that the menu node (e.g. data collection mechanism) to which the caller is forwarded depends on the callers/clients request for all data collection mechanisms. Therefore, at the second data collection mechanism, if the second data portion/utterance/DTMF tone indicated that the

caller/client desired to go to the first menu node/data collection mechanism, the task analyzer would determine this and the caller/client and second portion of data would be associated back to the first menu/data collection mechanism which would collect another menu choice/utterance/third portion of data using the first script of the first data collection mechanism.) (Page 3, Paragraphs 32-34).

As per Claims 127 and 151, Knott discloses a system capable of providing data collection from a client at a data collection mechanism, comprising: an automated data collection mechanism operable to collect from a client during a communication session a first portion of data using at least a portion of a first script comprising one or more queries for information to the client (i.e. *"After the greeting, the process proceeds to step 28 where the caller is instructed to "Please identify your task," followed by a pause to allow an opening statement utterance. IVR 10 then lists the menu options and an associated DTMF tone in a predetermined order, such as in the order of frequency of the requests by callers."* The preceding text excerpt clearly indicates that a first script/menu is presented to the caller/client presenting a query for information about the request of the caller/client. The callers/clients response/utterance/tone/a first portion of data is then collected from the caller.) (Page 3, Paragraph 23; a live agent operable to collect from the client during the communication session a second portion of data using a second script (i.e. *"IVR 10 determines the category of the task associated with the caller's request for information and forwards the caller to a menu node associated with the task... If a caller is unable to receive information from the automated responses of IVR 10, then the caller is forwarded to an operator 16 interfaced with IVR 10 for individual handling."* The preceding text excerpt clearly indicates that the caller is forwarded to a second data collection mechanism/menu node associated with the callers/clients response to the first data collection mechanism and also that alternatively, the second data collection mechanism may be a live agent.) (Page 2, Paragraph 17; Page 3, Paragraph 33.), wherein the client is associated with the live agent during the communication session based at least in part on an event

associated with the client's interaction with the automated data collection mechanism (i.e. *"IVR 10 determines the category of the task associated with the caller's request for information and forwards the caller to a menu node associated with the task... If a caller is unable to receive information from the automated responses of IVR 10, then the caller is forwarded to an operator 16 interfaced with IVR 10 for individual handling."* The preceding text excerpt clearly indicates that the caller is forwarded to a second data collection mechanism/menu node associated with the callers/clients response to the first data collection mechanism and also that alternatively, the second data collection mechanism may be a live agent.) (Page 2, Paragraph 17; Page 3, Paragraph 33.), wherein the second script comprises at least one of the one or more queries for information presented to the client by the first script, and wherein the second script comprises at least one query for information not yet presented to the client by the first script (i.e. *"At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding text excerpt clearly indicates that a second portion of data is collected from the user pertaining to the service that was selected in the previous data collection mechanism. Note that this is done using a second script and comprises at least one query that was not asked in the first script (e.g. requesting the caller/client to identify the specific information requested from about the selected service), but may also include a query repeated from the second script.) (Page 4, Paragraph 37).

Knott fails to disclose wherein at least a portion of the second script is populated with at least some of the first portion of data collected from the client during the communication session.

Reips discloses wherein at least a portion of the second script is populated with at least some of the first portion of data collected from the client during the

communication session (i.e. Figures 1 and 2 clearly indicate that the first portion of data, collected in the second column of Figure 1, is used to populate, at least in part, the second script (e.g. in the second column of Figure 2).) (Reips, Pages 237, 238).

It would have been obvious to one skilled in the art at the time of applicants invention to modify the teachings of Knott with the teachings of Reips populating at least a portion of the second script with at least some of the first portion of data with the motivation of utilizing a dynamic structure which picks up the user's choices and written text and subsequently structures itself accordingly (Reips, Page 235, Column 2, Paragraph 5).

As per Claims 128, 133, and 152, Knott discloses the first data collection mechanism comprises an interactive voice response system (i.e. *"IVR 10 provides a voice menu that directs callers to input information requests through either a voice response or a touch-tone response."* The preceding text excerpt clearly indicates that the first data collection mechanism may be an interactive voice response system.) (Page 2, Paragraph 18).

As per Claim 132, Knott discloses a method for providing data collection from a client at a data collection mechanism, comprising: collecting from a client during a communication session a first portion of data using a first data collection mechanism using at least a portion of a first script comprising one or more queries for information to the client (i.e. *"After the greeting, the process proceeds to step 28 where the caller is instructed to "Please identify your task," followed by a pause to allow an opening statement utterance. IVR 10 then lists the menu options and an associated DTMF tone in a predetermined order, such as in the order of frequency of the requests by callers."* The preceding text excerpt clearly indicates that a first script/menu

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is presented to the caller/client presenting a query for information about the request of the caller/client. The callers/clients response/utterance/tone/a first portion of data is then collected from the caller.) (Page 3, Paragraph 23); associating the client with the live agent during the communication session based at least in part on an event associated with the client's interaction with the first data collection mechanism (i.e. *"IVR 10 determines the category of the task associated with the caller's request for information and forwards the caller to a menu node associated with the task... If a caller is unable to receive information from the automated responses of IVR 10, then the caller is forwarded to an operator 16 interfaced with IVR 10 for individual handling."* The preceding text excerpt clearly indicates that the caller is forwarded to a second data collection mechanism/menu node associated with the callers/clients response to the first data collection mechanism and also that alternatively, the second data collection mechanism may be a live agent.) (Page 2, Paragraph 17; Page 3, Paragraph 33.), after associating the client with the second data collection mechanism and during the communication session, collection from the client a second portion of data using the second script (i.e. *"IVR 10 determines the category of the task associated with the caller's request for information and forwards the caller to a menu node associated with the task... If a caller is unable to receive information from the automated responses of IVR 10, then the caller is forwarded to an operator 16 interfaced with IVR 10 for individual handling."* The preceding text excerpt clearly indicates that the caller is forwarded to a second data collection mechanism/menu node associated with the callers/clients response to the first data collection mechanism and also that alternatively, the second data collection mechanism may be a live agent.) (Page 2, Paragraph 17; Page 3, Paragraph 33.), wherein the second script comprises at least one of the one or more queries for information presented to the client by the first script, and wherein the second script comprises at least one query for information not yet presented to the client by the first script (i.e. *"At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF*

*selection. For instance, the caller is presented with four types of information for the identified service."*

The preceding text excerpt clearly indicates that a second portion of data is collected from the user pertaining to the service that was selected in the previous data collection mechanism. Note that this is done using a second script and comprises at least one query that was not asked in the first script (e.g. requesting the caller/client to identify the specific information requested from about the selected service), but may also include a query repeated from the second script.) (Page 4, Paragraph 37) and wherein the second data collection mechanism populates at least the at least one of the one or more queries for information presented by the first script of the second script (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding text excerpt clearly indicates that the script is generated by the second data collection mechanism based on the first portion of data (e.g. the second script is not the same for all first portions of data, and the information presented by the second data collection mechanism in the second script is based upon the first response).) (Page 4, Paragraph 37).

Knott fails to disclose wherein at least a portion of the second script is populated with at least some of the first portion of data collected from the client during the communication session.

Reips discloses wherein at least a portion of the second script is populated with at least some of the first portion of data collected from the client during the communication session (i.e. Figures 1 and 2 clearly indicate that the first portion of data, collected in the second column of Figure 1, is used to populate, at least in part, the second script (e.g. in the second column of Figure 2).) (Reips, Pages 237, 238).

It would have been obvious to one skilled in the art at the time of applicants invention to modify the teachings of Knott with the teachings of Reips populating at least a portion of the second script with at least some of the first portion of data with the motivation of utilizing a dynamic structure which picks up the user's choices and written text and subsequently structures itself accordingly (Reips, Page 235, Column 2, Paragraph 5).

As per Claims 135 and 154, Knott discloses the first data collection mechanism comprises a live agent (i.e. *"If a caller is unable to receive information from the automated responses of IVR 10, then the caller is forwarded to an operator 16 interfaced with IVR 10 for individual handling."* The preceding text excerpt clearly indicates that the first data collection mechanism may be a live agent.) (Page 2, Paragraph 17).

As per Claims 136 and 155, Knott discloses the second data collection mechanism comprises a live agent (i.e. *"If a caller is unable to receive information from the automated responses of IVR 10, then the caller is forwarded to an operator 16 interfaced with IVR 10 for individual handling."* The preceding text excerpt clearly indicates that the second data collection mechanism may be a live agent.) (Page 2, Paragraph 17).

As per Claim 147, Knott discloses the second script is generated by one of the data collection mechanisms (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."*

The preceding text excerpt clearly indicates that the script is generated by the second data collection mechanism based on the first portion of data (e.g. the second script is not the same for all first portions of data, and the information presented by the second data collection mechanism in the second script is based upon the first response).) (Page 4, Paragraph 37).

5. Claims 114, 118, 129, 134, 138, 142, and 153 rejected under 35 U.S.C. 103(a) as being unpatentable over Knott in view of Reips, as above, in further view of Feinberg et al. ("Designing and Developing Surveys on WWW Sites", Proceedings of the 16<sup>th</sup> International Conference on Computer Documentation, ACM, Sept. 1998 and referred to hereinafter as Feinberg).

As per Claims 129, 134, and 152, Knott and Reips fail to disclose the first data collection mechanism comprises an interactive web-based system.

Feinberg discloses the first data collection mechanism comprises an interactive web-based system (i.e. *"The types of surveys being conducted on the internet fall into three categories: surveys that determine who is using the WWW, surveys that determine customer satisfaction with the product or service, and the newest type of survey that collects research data."* The preceding text excerpt clearly indicates the scripts may be implemented on the internet, in HTML form, in order to collect research data.) (Page 38, Abstract).

It would have been obvious to one skilled in the art at the time of applicants invention to modify the teachings of Knott with the teachings of Feinberg to include the first data collection mechanism comprises an interactive web-based system with the motivation of describing new directions for surveys and technical considerations for the retrieval and storage of survey responses.



As per Claims 114 and 138, Knott and Reips fail to disclose the first script comprises an HTML-based script.

Feinberg discloses the first script comprises an HTML-based script (i.e. *"The types of surveys being conducted on the internet fall into three categories: surveys that determine who is using the WWW, surveys that determine customer satisfaction with the product or service, and the newest type of survey that collects research data."* The preceding text excerpt clearly indicates the scripts may be implemented on the internet, in HTML form, in order to collect research data.) (Page 38, Abstract).

It would have been obvious to one skilled in the art at the time of applicants invention to modify the teachings of Knott with the teachings of Feinberg to include the first script comprises an HTML-based script with the motivation of describing new directions for surveys and technical considerations for the retrieval and storage of survey responses.

As per Claims 118 and 142, Knott and Reips fail to disclose the second script comprises an HTML-based script.

Feinberg discloses the second script comprises an HTML-based script (i.e. *"The types of surveys being conducted on the internet fall into three categories: surveys that determine who is using the WWW, surveys that determine customer satisfaction with the product or service, and the newest type of survey that collects research data."* The preceding text excerpt clearly indicates the scripts may be implemented on the internet, in HTML form, in order to collect research data.) (Page 38, Abstract).

It would have been obvious to one skilled in the art at the time of applicants invention to modify the teachings of Knott with the teachings of Feinberg to include the

second script comprises an HTML-based script with the motivation of describing new directions for surveys and technical considerations for the retrieval and storage of survey responses.

6. Claims 120, 126, 131, 144, 150, and 157 rejected under 35 U.S.C. 103(a) as being unpatentable over Knott in view Reips, as above, in further view of Dewan (U.S. Patent Number 6,654,447).

As per Claims 120, 131, and 144, Knot discloses associating at least some of the first portion of data with the live agent, the at least some of the first portion of data comprising one or more answers of the client associated with the one or more queries presented by the first script. (i.e. *"At step 58, IVR 10 retrieves the service information available for the area input by the caller. For instance, service offerings and functionality may vary based on service areas. At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."*) The preceding text excerpt clearly indicates that the first portion of data/user response to the first set of queries comprises answers to one or more queries presented in the first set of queries (e.g. the users menu selection). Note that the disclosure of Knott in regards to claim 136 shows that the second data collection mechanism may be a live agent.) (Page 4, Paragraph 37)

Knott fails to disclose generating an assistance signal in response to the event associated with the client and marking the first script at a query where the client was associated with the live agent.

Dewan discloses generating an assistance signal in response to the event associated with the client (i.e. *"According to one embodiment of the present invention, a system for pausing a session with a voice response unit is disclosed. The system includes an interface that establishes a session. A processor pauses the session in response to receiving a pause signal."*) The preceding text excerpt clearly indicates that a pause signal/assistance signal is generated in response to an event associated with the client (e.g. the client pauses the session.) (Column 1, Lines 35-39); marking the first script at a query where the client was associated with the live agent (i.e. *"A state engine determines as interrupted state of the session at which the processor pauses the session."*) The preceding text excerpt clearly indicates that the first script is marked as a point where the assistance signal was generated (e.g. the state of the session at the time of signal generation is saved). Note that the assistance signal is generated at the point where the client is associated with the second data collection mechanism (e.g. the live agent.) (Column 1, Lines 39-41).

It would have been obvious to one skilled in the art at the time of applicants invention to modify the teachings of Knott with the teachings of Dewan to include generating an assistance signal in response to the event associated with the client and marking the first script at a query where the client was associated with the live agent with the motivation of enabling workflow to be used to direct the actions of a voice response unit.

As per Claims 126 and 150, Knott discloses that the second data collection mechanism may be a live agent (i.e. *"If a caller is unable to receive information from the automated responses of IVR 10, then the caller is forwarded to an operator 16 interfaced with IVR 10 for individual handling."*) The preceding text excerpt clearly indicates that the second data collection mechanism may be a live agent.) (Page 2, Paragraph 17) and wherein the first script comprises at least one of the

one or more queries for information presented to the client by the second script and wherein the first script comprises at least one query for information not yet presented to the client by the second script (i.e. *"At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding text excerpt clearly indicates that a second portion of data is collected from the user pertaining to the service that was selected in the previous data collection mechanism. Note that this is done using a second script and comprises at least one query that was not asked in the first script (e.g. requesting the caller/client to identify the specific information requested from about the selected service), but may also include a query repeated from the second script.) (Page 4, Paragraph 37).

Knott fails to disclose marking the second script at a query where the client was associated with the automated data collection mechanism; and populating at least a portion of the first script with the second portion of data collected at the second data collection mechanism.

Reips discloses populating at least a portion of the first script with the second portion of data collected at the second data collection mechanism (i.e. Figures 1 and 2 clearly indicate that the first portion of data, collected in the second column of Figure 1, is used to populate, at least in part, the second script (e.g. in the second column of Figure 2). Note that this is indicative that any set of data may be used to populate any script.) (Reips, Pages 237, 238).

It would have been obvious to one skilled in the art at the time of applicants invention to modify the teachings of Knott with the teachings of Reips populating at least a portion of the first script with at least some of the second portion of data with the

motivation of utilizing a dynamic structure which picks up the user's choices and written text and subsequently structures itself accordingly (Reips, Page 235, Column 2, Paragraph 5).

Dewan discloses marking the second script at a query where the client was associated with the automated data collection mechanism (i.e. *"According to one embodiment of the present invention, a system for pausing a session with a voice response unit is disclosed. The system includes an interface that establishes a session. A processor pauses the session in response to receiving a pause signal. A state engine determines an interrupted state of the session at which the processor pauses the session."* The preceding text excerpt clearly indicates that the second script is marked as a point where the assistance signal was generated (e.g. the state of the session at the time of signal generation is saved). Note that the assistance signal is generated at the point where the client is associated with the second data collection mechanism (e.g. the live agent).) (Column 1, Lines 35-41).

It would have been obvious to one skilled in the art at the time of applicants' invention to modify the teachings of Knott with the teachings of Dewan to include marking the second script at a query where the client was associated with the second data collection mechanism with the motivation of enabling workflow to be used to direct the actions of a voice response unit..

As per Claim 157, Knott discloses the first portion of data is associated with the second data collection mechanism, the first portion of data comprising one or more answers of the client associated with one or more queries presented by the first script. (i.e. *"At step 60, a script presents the caller with the types of information available for the selected service and instructs the caller to select desired information by either a voice utterance or DTMF selection. For instance, the caller is presented with four types of information for the identified service."* The preceding

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text excerpt clearly indicates the first portion of data, including the clients answers, are associated with the second script (e.g. the second script is populate according to the clients answers to the first script). Note that the language 'operable to' suggests an option that the limitation may or may not be performed, and thus does not require the reference to disclose the limitation. Examiner suggests replacing the language 'operable to' with the language 'configured to'.) (Page 4, Paragraph 37).

Knot fails to disclose the first data collection mechanism is operable to mark the first script at a query where the client was associated with the second data collection mechanism.

Dewan discloses marking the first script at a query where the client was associated with the second data collection mechanism (i.e. *"According to one embodiment of the present invention, a system for pausing a session with a voice response unit is disclosed. The system includes an interface that establishes a session. A processor pauses the session in response to receiving a pause signal. A state engine determines as interrupted state of the session at which the processor pauses the session."* The preceding text excerpt clearly indicates that the first script is marked as a point where the assistance signal was generated (e.g. the state of the session at the time of signal generation is saved). Note that the assistance signal is generated at the point where the client is associated with the second data collection mechanism (e.g. the live agent).) (Column 1, Lines 35-41).

It would have been obvious to one skilled in the art at the time of applicants invention to modify the teachings of Knott with the teachings of Dewan to include marking the first script at a query where the client was associated with the second data collection mechanism with the motivation of enabling workflow to be used to direct the actions of a voice response unit.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Hicks whose telephone number is (571) 272-2670. The examiner can normally be reached on Monday - Friday 10:00a - 7:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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